

1 SENATE JOINT MEMORIAL 62

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING PUBLIC SCHOOL FOOD DIRECTORS TO DONATE EXCESS SCHOOL
12 MEALS; REQUESTING STATE AGENCIES AND NONPROFIT ORGANIZATIONS TO
13 CONVENE A WORK GROUP TO ADDRESS FOOD REDISTRIBUTION TO HUNGRY
14 AND HOMELESS PEOPLE IN NEW MEXICO.

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16 WHEREAS, according to the 2005 United States department of
17 agriculture data, one in six New Mexicans does not know where
18 that person's next meal will come from, including one in four
19 children and one in eight senior citizens; and

20 WHEREAS, national food insecurity rates are a little over
21 eleven percent, but New Mexico's rate is substantially higher
22 at almost seventeen percent; and

23 WHEREAS, the root issues of hunger in New Mexico are
24 attributed to a high poverty rate and the fact that thirty-two
25 of thirty-three counties qualify as "rural" by federal

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1 standards; and

2 WHEREAS, food costs more in rural areas than in urban
3 areas, and there are fewer food stores in rural areas than
4 urban areas; and

5 WHEREAS, a recent food study indicated that the average
6 travel time to the most frequented grocery stores in New Mexico
7 was twenty-nine minutes and that there is only one food store
8 for every four hundred eighty-six square miles in New Mexico;
9 and

10 WHEREAS, Section 41-10-3 NMSA 1978 protects food donors
11 acting in good faith from any civil liability or criminal
12 penalty regarding the condition of the donated food, and Public
13 Law 110-247, the Federal Food Donation Act of 2008, encourages
14 executive agencies and contractors of executive agencies to
15 donate excess, apparently wholesome food to nonprofit
16 organizations to feed food-insecure people in the United
17 States; and

18 WHEREAS, an executive agency making donations pursuant to
19 the Federal Food Donation Act of 2008 is exempt from civil and
20 criminal liability to the extent provided under the Bill
21 Emerson Good Samaritan Food Donation Act; and

22 WHEREAS, there are nonprofit organizations in New Mexico
23 that engage in "food rescue programs" to salvage food from
24 restaurants, repackage it and give it to nursing homes; and

25 WHEREAS, a public-private collaboration of over thirty

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1 organizations was formed to support the New Mexico plan to end
2 hunger;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
4 STATE OF NEW MEXICO that the public education department be
5 requested to inform all school district and charter school food
6 services directors that they are encouraged to donate excess
7 school meals to public or nonprofit organizations that feed the
8 hungry and the homeless; and

9 BE IT FURTHER RESOLVED that a work group consisting of the
10 aging and long-term services department, human services
11 department, department of environment, public education
12 department, higher education department, children, youth and
13 families department and nonprofit organizations that work on
14 issues concerning hunger convene during the 2009 interim to
15 develop a plan for maximizing food redistribution for both
16 public and private entities to hungry and homeless people in
17 New Mexico; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the secretaries of public education and aging
20 and long-term services for appropriate distribution.

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